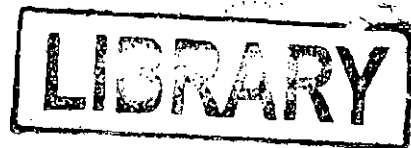


CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA



No. O.A. 350/00612/2019  
M.A. 350/00337/2019

Date of order: 13.12.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Sunita Dam,  
Wife of Sri Gopal Dam,  
Aged about 47 years,  
Working as Plaster Assistant in ESIC  
Hospital and ODC (EZ), Joka,  
Kolkata,  
Residing at A5, Joka Barui Para,  
Joka Thakurpukur,  
South 24 Parganas,  
Kolkata - 700 104.
2. Sachin Adak,  
Son of Subal Adak,  
Aged about 48 years,  
Working as Plaster Assistant in ESIC  
Hospital and ODC (EZ), Joka,  
Kolkata,  
Residing at Ramdashati Sarkar Para,  
Mahestala (M), Garden Reach,  
Kolkata - 700 024.
3. Sanjay Gharami,  
Son of Sunil Gharami,  
Aged about 37 years,  
Working as Plaster Assistant in ESIC  
Hospital and ODC (EZ), Joka,  
Kolkata,  
Residing at 196/1, Kalighat Road,  
Circus Avenue Kolkata - 700 026.

..... Applicants.

Versus

1. Union of India  
through the Secretary to the Govt. of India,  
Ministry of Labour & Employment,  
Shram Shakti Bhawan,  
Rafi Marg,  
New Delhi - 110 001.
2. The Director General,  
Employees State Insurance Corporation,  
Panchdeep Bhawan,  
CIG Marg,  
New Delhi - 110 002.

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3. The Medical Commissioner,  
Employees State Insurance Corporation,  
Panchdeep Bhawan,  
CIG Mar,  
New Delhi – 110 002.
4. The Financial Commissioner,  
Employees State Insurance Corporation,  
Panchdeep Bhawan,  
CIG Marg,  
New Delhi – 110002.
5. The Medical Superintendent,  
ESIC Hospital and ODC (EZ), Joka,  
Kolkata – 700104.

..... Respondents.

For the Applicants : Ms. K. Chakraborty, Counsel

For the Respondents : Mr. S.C. Prasad, Counsel

**O R D E R (Oral)**

**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicants have approached this Tribunal praying for the following relief:-

- (a) An order granting leave to the applicants to move the instant application jointly under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.
- (b) An order directing the respondents to grant the applicants the benefits of Grade Pay of Rs. 2400/- Pay Scale Rs. 5200-20200/- recommended by 6<sup>th</sup> CPC as well as the corresponding Pay Band to the applicants in the 6<sup>th</sup> Central Pay Commission pay structure with effect from 1.1.2006 with all consequential benefits.
- (c) An order directing the respondents to grant further financial benefits under ACP/MACP Scheme on the basis of Grade Pay of Rs. 2400/- in corresponding PB as the Grade Pay of Plaster Assistants w.e.f. 2017, 2015 and 2018 respectively with all consequential benefits and to extend the benefits of judgment of Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 3227 of 2011 and M.A. No. 2379 of 2011 dated 19.12.2013.
- (d) An order directing the respondents to produce / cause production of all relevant records.
- (e) To pass such other order or orders, direction or directions as your Lordships may deem fit and proper."

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2. The applicants have preferred an M.A. bearing No. 350/00337/2019 praying for liberty to jointly pursue this Original Application. On being satisfied that the applicants share common interest and are pursuing a common cause of action, they are permitted to jointly move this matter. M.A. No. 350/00337/2019 is hence allowed under Rule 4(5)(a) Central Administrative Tribunal (Procedure) Rules, 1987.

3. Heard both Id. Counsel, examined pleadings and documents on record.

4. Ld. Counsel for the applicants would submit that the applicants are all Plaster Assistants working under the respondent authorities, and, that, they had preferred several representations for extension of benefits of orders dated 19.12.2013 in O.A. No. 3227 of 2011, orders dated 17.12.2014 in O.A. No. 791 of 2014 and orders dated 5.6.2015 in O.A. No. 832 of 2015. That, although, the applicants have made several representations dated 4.8.2016, 20.8.2016, 12.9.2016, 15.6.2018, 19.9.2018, 4.1.2019, 6.3.2019 and 1.4.2019 respectively, the respondent authorities are yet to favour them with any decision in this regard.

5. Ld. Counsel for the respondents would argue that the applicants, who are Plaster Assistants, have been granted pay scale of Rs. 3200-4900/- and the revised pay scale of Rs. 5200-20200/- plus Grade Pay of Rs. 2000/- as per the recommendations of the sixth CPC. That, as per the recommendations of fifth CPC, Matriculate Plaster Assistants with technical qualification/experience are eligible for the higher pay scale of Rs. 4000-6000/- and, that, it is only on the specific directions of this Tribunal in related cases, that benefits of higher pay scale of Rs. 4000-6000/- and its revised pay scale of PB 1 + Grade Pay of Rs. 4200/- have been granted to the applicants therein, only on provisional basis, subject



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to the outcome of Writ Petition No. 18 of 2015 filed before the Hon'ble High Court of Delhi which remains pending till date.

Ld. Counsel, however, does not object to consideration of representations of the applicant in the present O.A. in accordance with law.

6. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we hereby direct the respondent No. 5, who is the Medical Superintendent, ESIC Hospital and ODC (EZ), Kolkata, as well as the addressee of the representations at Annexure A-5 colly. to examine the contents of such representations, if received at his end, in accordance with law. The said respondent authority will, thereafter, convey the decision of the appropriate authority to the applicants in the form of a reasoned and speaking order within a period of 12 weeks from the date of receipt of a copy of this order.

7. With these directions, this O.A. is disposed of. There will be no orders on costs.



**(Dr. Nandita Chatterjee)**  
**Administrative Member**

**(Bidisha Banerjee)**  
**Judicial Member**

**SP**